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Regulations concerning duties of employees...

Washington

1918

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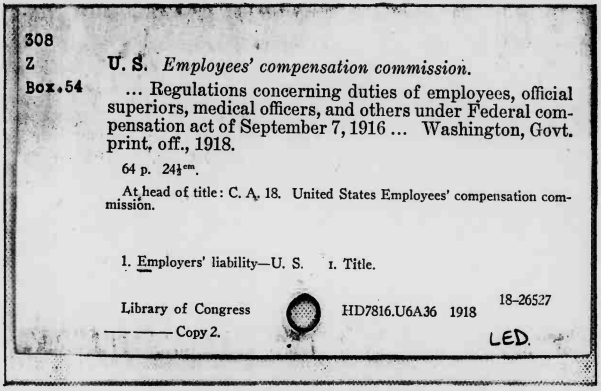

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C. A. 18

UNITED STATES EMPLOYEES'
COMPENSATION COMMISSION

REGULATIONS

CONCERNING

DUTIES OF EMPLOYEES, OFFICIAL SUPERIORS, MEDICAL OFFICERS, AND OTHERS

UNDER

FEDERAL COMPENSATION ACT OF SEPTEMBER 7, 1916

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COMMISSIONERS
MRS. ERANCES C. AXTELL, CHAIRMAN
JNO. J. KEEGAN R. M. LITTLE

WASHINGTON
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BENEFITS PROVIDED BY THE COMPENSATION ACT.

[For full provisions of Compensation Act see Text of Act, pages 51–61.]

PERSONS PROTECTED BY THE COMPENSATION ACT.

All civil employees of the United States and of the Panama Railroad Co.

INJURIES FOR WHICH COMPENSATION IS PAYABLE.

Personal injuries sustained on or after September 7, 1916, while in the performance of duty, and causing disability for work (with loss of pay) for more than three days.

But not when caused by:

Willful misconduct of injured employee.

Injured employee's intention to bring about injury or death to himself or another.

Intoxication of injured employee (as proximate cause).

MEDICAL SERVICE FURNISHED IN CASE OF INJURIES.

For all injuries sustained on or after September 7, 1916, while in the performance of duty, whether resulting in disability or not.

Reasonable medical, surgical, and hospital services and supplies, unless refused, and transportation to place of securing them if necessary.

Services and supplies must be furnished by United States medical officers and hospitals if practicable; if such services are not available, then by private physicians and hospitals designated by the Compensation Commission, a list of which will be found in the hands of the official superior or head of the establishment. Where there is no designated physician or hospital, or United States medical officer or hospital, any reputable physician licensed to practice medicine, or any hospital, may be employed.

MONEY BENEFITS PAYABLE IN CASE OF DISABILITY.

If *disability* is *total*, 66⅔ per cent of the monthly pay (including value of subsistence and quarters, if furnished) during continu-

ance of such disability, beginning on the fourth day of disability, or on the fourth day after pay stops if leave with pay is taken, but not more than $66.67 nor less than $33.33, unless the monthly pay is less than $33.33, in which case the monthly compensation shall be the full amount of the monthly pay.

If *disability* is *partial*, 66⅔ per cent of the loss in wage-earning capacity due to the disability, subject to the same limitation as in the case of total disability.

BURIAL EXPENSES PAYABLE IN CASE OF DEATH.

Burial expenses not exceeding $100, and transportation of body of resident of United States dying away from home station, if relatives desire it.

MONEY BENEFITS PAYABLE IN CASE OF DEATH.

To dependents named below, monthly compensation equal to the specified percentage of deceased employee's monthly pay, which for computing this compensation shall be considered to be not more than $100 nor less than $50, but the monthly compensation can not exceed the monthly pay.

To widow or wholly dependent widower, 35 per cent of monthly pay of deceased employee until death or remarriage.

And, in addition, for each child under 18, 10 per cent of monthly pay until death, marriage, or reaching the age of 18.

To one child under 18, if there is no widow or dependent widower, 25 per cent of monthly pay.

To each additional child under 18, 10 per cent,

To be divided among the children equally.

To be paid, until death, marriage, or reaching age of 18, to child's guardian.

If there is no widow, or dependent widower, or child under 18:

To one parent, if wholly dependent, 25 per cent.

To two parents, if wholly dependent, each 20 per cent.

To parent or parents, if partly dependent, proportionate amounts, to be determined by the commission.

To be paid for eight years, or until death, marriage, or ending of dependency.

If there is a widow, or dependent widower, or child under 18, dependent parents will be paid so much of above percentages as added to payments to widow or widower and children will not exceed 66⅔ per cent of monthly pay.

If there is no widow, widower, child, or dependent parent:

Brothers. Sisters. Grandparents. Grandchildren.	If *wholly* dependent on deceased.	To one person, 20 per cent of monthly pay.
		To more than one person, 30 per cent, share and share alike.
	If *partly* dependent on deceased.	To one or more persons, 10 per cent, share and share alike.

To be paid, for eight years, or until death, marriage, or reaching age of 18.

If there is a widow, widower, child, or dependent parent, dependent brothers, sisters, grandparents, or grandchildren shall be paid so much of above percentages as added to payments to widow, widower, child, and dependent parent, will not exceed 66⅔ per cent of monthly pay.

EMPLOYEE'S RIGHT TO MAKE CLAIM FOR COMPENSATION.

The employee is entitled to have any claim for payment of compensation or medical or hospital service on account of an injury which he believes was sustained while in the performance of duty on or after September 7, 1916, passed upon by the Compensation Commission.

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DUTIES OF EMPLOYEES.

1. First-aid treatment.—When a civil employee of the United States is injured in the performance of duty he should immediately go for treatment to the medical officer or dispensary of the establishment in which he is employed.

If there is no medical officer or dispensary in the establishment, the injured employee should obtain from the official superior a request for treatment by the United States medical officer or hospital or by the "designated" physician or hospital.

If there is no United States medical officer or hospital, nor "designated" physician or hospital, then the employee may obtain needed treatment from any reputable private physician licensed to practice "medicine and surgery" under the laws of the State in which the employee resides or from any reputable well-equipped private hospital.

2. Medical and hospital service without cost to employee by "designated" physicians and hospitals.—Necessary medical, surgical, and hospital services and supplies will be furnished to injured employees without cost to them, if given by the person in charge of the first-aid service of the establishment, by Government physicians, hospitals, or dispensaries, or by physicians, hospitals, or dispensaries "designated" by the Compensation Commission, a list of which is in the hands of all medical officers and of the heads of all establishments. If the treatment is to be obtained outside the establishment, the official superior will furnish the necessary order for the same.

3. Medical and hospital service not paid for if employee refuses to accept what is provided.—Any employee who refuses to accept the medical, surgical, or hospital services or supplies offered or provided by the United States, will not be entitled to reimbursement for any such services or supplies he may himself select or secure.

4. Medical and hospital service without cost where no physician or hospital has been designated.—In places where there are no physicians or hospitals designated by the Commission and no United States medical officers, hospitals, or dispensaries, the employee is authorized to select for the treatment of his injury any reputable physician licensed to practice medicine and surgery. This rule does not authorize the employment of doctors of osteopathy, chiropractors, mental

healers, etc., except as their services may be prescribed by persons licensed to practice medicine and surgery.

In cases requiring hospital treatment, a reputable, well-equipped hospital should be selected, and treatment at general-ward rates is authorized. If the injury is such as to require a private room, the Commission will approve the necessary expenditure. An injured employee may, however, in any case, select a private room, provided he pays the difference between the general-ward rate and that of the private room.

An injured employee should not pay physicians' or hospital bills, but forward them without delay, through his official superior, to the Commission for settlement. Such bills should be itemized, showing the nature of the service rendered, and should be approved by the employee as correct. In selecting his physician, the injured employee should inform him that the Employees' Compensation Commission will pay all reasonable charges, but that settlement will be based on the rates fixed or obtaining in the locality for persons receiving the average income of United States civil employees.

5. Transportation to secure medical or hospital service.—When authorized by the Commission or by his official superior, an injured employee may, whenever necessary to secure proper medical or hospital attention, travel at the expense of the Commission from his place of employment or his home, as the case may be, to the designated place where such treatment may be obtained, and return.

Employees desiring to be reimbursed for transportation and other reasonable and necessary expenses incident to securing the necessary medical and surgical attention and supplies should send to the Commission for its action an itemized statement of such expenses, and, as regards transportation, a statement showing the dates of trips, the points between which each trip was made, and the cost of transportation for each trip, so that the Commission may have sufficient data upon which to take action. Wherever practicable, injured employees will be furnished street car tickets by the medical or injury officer of the establishment, to be used in securing medical treatment.

6. Notice of injury.—Whenever any injury is sustained by a civil employee of the United States while in the performance of his duties, he shall immediately report it to his official superior. If the injured employee is unable himself to give such notice, it should be given by some one in his behalf. Such notice should be given in the case of all injuries, even though they are so slight in character that the injured person has no intention of making a claim for compensation therefor. It often happens that an injury, which at first appears to be slight and causes no loss of time, results later in serious disability. *If the injury is not reported at the time of occurrence, it may be impossible later on to prove its occurrence and to establish a right to compensation.*

This notice shall be given in writing on form C. A. 1, copies of which are furnished by the Commission to the various branches of the Federal service. It shall be delivered to the immediate superior either personally, or by depositing it, properly stamped and addressed, in the mail. Unless notice of injury is given as above required, within 48 hours, or the immediate superior has actual knowledge of the injury, or reasonable cause for failure of this notice is shown, compensation may be refused.

7. Claim for compensation on account of injury.—*Compensation for disability will be granted for injuries sustained by employees while in the performance of their duties only when a formal claim is made therefor on form C. A. 4.*

The claim shall be made on the first page of that form by the person claiming compensation, or by some person acting in his behalf. It shall be in writing and shall be sworn to by the person claiming compensation, or by the person acting in his behalf. On the second page of the form shall appear the statements of witnesses, if any, and the statement of the establishment medical officer if the claimant has been given medical treatment by such an officer. On the third page shall be furnished the certificate of the physician who attended the claimant during the period of disability. When the first three pages of the claim have been completed, the claimant shall transmit it to his official superior so that the latter may fill out his certificate on the fourth page.

If an injury seems likely to result in prolonged disability, a claim for compensation should be submitted at the expiration of 18 days after pay stops. If the disability is likely to last for less than 18 days, the claim for compensation should be submitted upon the termination of such disability.

In no case shall the submission of a claim for compensation be delayed beyond 60 days after the injury, or compensation may be refused. The Commission is allowed at its discretion, however, to award compensation, if, for reasonable cause shown, a claim is filed within one year from the date of injury.

8. Waiver of affidavit when necessary.—An injured employee desiring to claim compensation, who is confined to a hospital and is, therefore, unable to go to a notary public, justice of the peace, or other officer authorized to administer oaths generally, to make his affidavit on the claim form, is authorized to certify to the correctness of his statements in the claim before the superintendent or some other officer of the hospital in which he is confined.

An injured employee who is in an isolated locality and unable to appear before a notary public, justice of the peace, or other officer

authorized to administer oaths generally, may certify to the correctness of his statements in the claim for compensation before his official superior.

9. Waiver of claim.—No person is authorized to require an injured employee to enter into any agreement either before or after an injury to waive his right to claim compensation, and any such waiver, if secured, will not affect the employee's right later to claim compensation from the Commission.

10. Penalty for false statement in claim.—Any false statement knowingly made by a claimant in a claim for compensation on account of injury or medical, surgical, or hospital services, or supplies, constitutes perjury and renders the claimant guilty thereof liable to a fine of not more than $2,000, or imprisonment for not more than one year, or to both such fine and imprisonment.

11. Claim for payment for medical or hospital service.—In all cases where medical or hospital services or supplies are to be paid for by the Commission the bills should be forwarded, unpaid, by the claimant, through his official superior, or by the physician or hospital furnishing the services or supplies. Nothing further is required in those cases where a claim for compensation has already been submitted.

When, however, an injured employee does not claim compensation on account of time lost, but when a bill for medical or hospital service and supplies against the Compensation Commission has been incurred, payment therefor will be made direct to the physician or hospital furnishing the same. In order that the Commission may have evidence that the service was rendered and that the bill is a proper one, formal claim should be made by the employee for these expenses on form C. A. 6.

12. Semimonthly claims for continuance of compensation.—An employee whose injury results in disability continuing beyond the time covered by the first payment of compensation shall, on the 1st and 16th of each month, or as soon after each of these dates as practicable, fill out his portion of form C. A. 8, secure the certificate of the official medical officer at his place of employment (if there is one and he has been treated by such officer), together with the certificate of the attending physician, in cases where he has been treated by a physician other than the official medical officer, and then transmit the form to the official superior, who will fill out his certificate and forward the same to the Commission. These forms, requesting a continuance of compensation on account of disability, serve as the basis for the compensation payments for the periods which they cover and should be submitted promptly on the dates named in order to avoid delay in payment. Failure to furnish such semimonthly certificates will be regarded by the Commission as evidence of the employee's recovery and will result in a stoppage of compensation payments unless evidence of disability satisfactory to the Commission is later furnished.

13. Medical certificates.—Injured employees claiming compensation on account of disability shall furnish such medical certificates as their official superiors or the Commission may require from time to time.

14. Medical examinations.—Every employee claiming compensation for disability shall submit to medical examination whenever required by the Commission or by his official superior or by the medical officer in charge of his case. The employee may, if he desires, have a duly qualified physician, selected and paid by him, present to participate in such examination. For all medical examinations after the first the employee may, in the discretion of the Commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. Employees desiring to be reimbursed for their traveling expenses or loss of wages for such examinations after the first, should submit itemized statements to the Commission showing: First, the dates of trips; second, the points between which each trip was made; third, the transportation charges for each trip; and, fourth, the amount of wages lost by reason of each trip, in each case stating the dates, as well as the number of days or fractional parts of days, and the actual wage loss for such days or fractional parts thereof.

15. Refusal or obstruction of medical examination.—If an employee refuses to submit himself for, or in any way obstructs, any medical examination, his right to claim compensation shall be suspended until such refusal or obstruction ceases. No compensation will be paid while such refusal or obstruction continues, and the period of such refusal or obstruction will be deducted from the period for which compensation is payable to him.

16. Refusal to submit to hospital rules.—An injured employee sent to a hospital for treatment should understand that compliance with all reasonable hospital rules and requirements is necessary, and that a refusal on his part to submit to such rules and requirements, which results in discharge from a hospital, may be construed by the Commission as a refusal to accept the treatment furnished under the terms of section 9 of the Compensation Act, in which case further medical or hospital treatment will not be furnished by the Commission.

17. Partial disability—Failure to return to work or to seek work when able will end compensation.—When total disability to perform work ceases and the employee is able to perform a part of his usual duties,

or to perform work of a different nature, he must seek such suitable work as he is able to perform, unless it has already been provided for him, and shall accept such work or offer of work secured for him. Failure to do so will result in the forfeiture of the right to receive any compensation.

During the continuance of partial disability an employee is entitled to two-thirds of the difference between the wages earned in his occupation at the time of the injury and the wages earned in the position he is able to fill during the partial disability.

18. Partial disability—Certificate of inability to secure employment.—Employees partially disabled and receiving full compensation, due to their inability to secure suitable employment, shall furnish with Form C. A. 8 requesting a continuance of compensation payments on the 1st and 16th of each month, a statement that they have sought but have neither been offered nor been able to secure work which they are capable of performing. This statement may be made in the form of a letter addressed to the United States Employees' Compensation Commission. Failure to furnish this certificate will result in the stoppage of compensation payments until the same is furnished.

19. Partial disability—Affidavits as to earnings in case of.—Employees receiving compensation for partial disability shall, whenever required by the Commission, make affidavit stating the exact wages which they are receiving, including as a separate item the value of housing, board, lodging, and other advantages received by them from their employers as a part of their remuneration. Failure to make such an affidavit when required will result in forfeiture of compensation during the period of such failure. Any false statement knowingly made in such affidavit by an employee constitutes perjury, and renders the claimant guilty thereof liable to punishment by a fine of not more than $2,000 or by imprisonment of not more than one year, or by both such fine and imprisonment.

20. Lump-sum compensation.—The Commission is permitted under the law to make lump-sum awards in cases of death or of permanent total or permanent partial disability, but it is not the policy of the Commission to make such lump-sum payments unless it can be conclusively shown that such action is for the best interests of the beneficiary.

21. Willful misconduct or intention to bring about injury, a bar to compensation.—No compensation can be paid to an injured employee or his beneficiaries on account of an injury or death resulting from the willful misconduct of such employee, or from his intention to bring about the injury or death of himself or other persons.

22. Intoxication, when the proximate cause of injury, a bar to compensation.—No compensation will be paid to an injured employee or his beneficiaries if intoxication of the employee constitutes the proximate cause of his injury or death.

23. Refusal of medical or surgical treatment.—No compensation will be paid on account of the death or disability of an employee if his death is caused, or if and in so far as disability is caused, continued, or aggravated by an unreasonable refusal to submit to medical treatment or to any surgical treatment, the risk of which is inconsiderable, in the opinion of the Commission, based upon expert medical or surgical advice.

24. Claims for damages against third parties liable on account of personal injuries to employees.—Whenever an employee sustains a personal injury while in the performance of his duties for the United States so as to create a liability on some one other than the United States to pay damages on account of such injury, the injured employee shall, if required by the Commission, assign to the United States, on a form which will be provided by the Commission in each case, any right of action on account of such liability that he may have against the person responsible. If the Commission determines that the injured employee shall not assign his right of action to the Commission, he may be required by the Commission to prosecute or compromise such action in his own name. Refusal to make such an assignment or to prosecute or compromise an action in his own name, when required by the Commission to do so, will deprive him of all right to compensation.

Even though the employee prefers to prosecute or compromise his claim in his own name, he should not fail to report his injury and to consult with the Compensation Commission. A settlement for an amount apparently satisfactory might prove wholly inadequate in case of unexpected delayed disability or of a recurrence of disability after settlement. Compensation in the latter case, which is provided by the Compensation Act, should not be forfeited by the employee without serious consideration and without a full understanding of the consequences of the course of action decided upon.

If the net amount received in settlement (the total sum less attorney's fee and costs of suit) is less than the amount of compensation and other benefits payable to the employee under the Compensation Act, he will be entitled to receive the difference from the funds of the Compensation Commission, and, in case of a recurrence of disability after the settlement, he will be entitled to the full benefits provided by the act. In case the net amount received in settlement is in excess of the benefits payable to the employee under the Compensation Act, he shall be entitled to retain all of such amount, unless he has already received benefits from the funds of the Compensation Commission, in which case such benefits shall be returned to the

Commission; in case of a recurrence of disability, the employer shall not be entitled to receive further benefits from the funds of the Compensation Commission until the total amount of benefits payable by the Commission on account of his injury exceeds the net amount which he has recovered from the person against whom suit was brought or with whom settlement was made.

Any employee receiving any money or other property in settlement of a claim for damages for personal injury, as above described, either as a result of a suit brought by him, or as a result of a settlement out of court, shall report to the Commission, as soon as such money or other property has been received, the amount of money or the value of the property so received, together with a statement showing the costs of the suit, if any, and the amount of the attorney's fee. The Commission, after determining what is a reasonable attorney's fee in each case, will then inform the employee of the amount, if any, he is to refund to the United States on account of any compensation which may already have been paid him by the United States. If the amount so recovered exceeds the amount already paid the employee by the Commission, the difference between these two amounts constitutes a surplus which will be considered by the Commission as a credit against which future payments of compensation payable on account of the same injury will be charged.

25. Payments by mistake.—Employees paid compensation by the Commission under a mistake of law or of fact shall, as soon as the mistake is discovered or their attention is called to the same, refund to the Commission any amount so paid. Failure to make such refund will result in prosecution by the Commission.

DUTIES OF OFFICIAL SUPERIORS.

26. Definition of official superior.—The term "*official superior*" includes all officers and employees having direction or control of civil employees in the service of the Federal Government.

27. First-aid treatment.—As soon as knowledge of an injury to an employee under his jurisdiction comes to the attention of an official superior, he should direct the employee to apply immediately to the dispensary or medical officer, if there be one, for examination and first-aid treatment.

Arrangements should be made with the United States hospital, or with a hospital designated by the Compensation Commission, to respond with the ambulance to all emergency calls received from proper Government officials, and to admit injured employees in such cases to the hospital without delay. In all cases form C. A. 16 or a letter of request should accompany the injured employee to the hospital or be sent within 48 hours from the time of the call. A duplicate of this form or request should immediately be forwarded to the Commission.

In all places where there is a considerable number of employees on duty, the officer in charge of the work should make such provision for first-aid treatment as his resources will permit.

28. Medical and hospital service to which injured employee is entitled.—When civil employees of the United States are injured while in the performance of their duties, they are, by the terms of the Federal Compensation Act of September 7, 1916, entitled to "reasonable medical, surgical, and hospital services and supplies" for the injury, whether or not disability has arisen.

Where practicable, such services and supplies must be furnished by the person in charge of the first-aid service of the establishment, by Government physicians, hospitals, or dispensaries, or by physicians, hospitals, or dispensaries designated or approved by the Compensation Commission, a list of which can be obtained from the Commission, and should be kept on hand by the medical officers and the heads of establishments.

29. Medical and hospital service—Injured employee to be informed of his rights.—The superior officer should inform injured employees of their rights to medical and hospital service, as explained fully in sections 2, 3, 4, and 5 of the regulations concerning "Duties of employees," and of the names and addresses of United States medical

officers and hospitals, and "designated" physicians and hospitals available in the locality.

30. Medical and hospital services—Requests authorizing treatment of injured employees.—In cases of injury where it is practicable to utilize the services of any Government physician, hospital, or dispensary, or of a physician, hospital, or dispensary "designated" by the Compensation Commission, the official superior should give the injured employee a request, form C. A. 16, or a letter of request in duplicate to the medical officer, hospital, or dispensary, asking that necessary treatment be given. This request should recite the facts that the bearer—giving the name—is an employee of the United States, employed at—giving the name of the office or establishment—that he was injured in the performance of duty on—giving the date—and that treatment is requested under the Compensation Act.

31. Requests for medical or hospital service when official superior has doubt as to employee's right to treatment.—If, for any reason, the official superior is in doubt as to whether or not an injured employee is entitled to medical relief under the Compensation Act, he should immediately communicate the circumstances, outlining his doubt, to the Commission, and furnish said injured employee a request, form C. A. 16, or letter, which should state the reasons for his doubts, and request the medical officer or "designated" hospital officials to furnish relief until a decision can be reached as to whether or not the case is a proper one for treatment under the Compensation Act. The employee should be kept in hospital under observation and treatment until the official superior of the employee or medical officer or "designated" hospital official is convinced that the employee is not entitled to the benefits of the Compensation Act. In such cases the Compensation Commission will be responsible for the payment for treatment up to and including the date on which it is decided the employee is not entitled to medical relief under the Compensation Act.

32. Record of injury.—Whenever an injury to an employee comes to the knowledge of the person in charge of such employee, he should immediately secure a record of the cause, nature, and extent of the injury, however slight. He should see that each employee under his direction who is injured submits within 48 hours a notice of injury on form C. A. 1. The names and testimony of witnesses should also be secured, and such testimony should cover fully all the circumstances which have a bearing upon the injury.

33. Reports of injuries.—*Every injury resulting in any medical charge against the Compensation Commission*[1] *or in any loss of time beyond the day, shift, or turn in which it occurs, should be reported* by the official superior on form C. A. 2, "Report of Injury," and should be submitted to the United States Employees' Compensation Commission, Washington, D. C., as soon as practicable after the injury. Form C. A. 1, "Notice of Injury," should be forwarded to the Commission with the "Report of Injury." If the disability seems likely to last not more than 3 days, both C. A. 1 and C. A. 2 may be held until the employee has returned to work, and then forwarded to the Commission at the same time.

[1] In forwarding any medical or hospital bill, care should be taken that it is accompanied by forms C. A. 1 and 2, if not previously submitted.

Each question on the report of injury should be answered by the official superior as clearly and in as complete detail as possible. In answering question 19 in the "Report of Injury," the rate of pay for a regular or legal day should be given. If the employee is entitled to increased pay, on account of night work or for any other reason, the amount or per cent of the same should likewise be given separately. For instance, if 8 hours constitute a regular legal day's work, the rate for 8 hours should be given. Particular care should be exercised to furnish a detailed statement in connection with question 43 on form C. A. 2, if the injury was caused under circumstances creating a liability upon some person other than the United States to pay damages on account of such injury.

Whenever an employee fails to report his injury within 48 hours, he should be required to furnish a written explanation of his failure to do so, which should be forwarded to the Commission with his claim.

No letter of transmittal is necessary to accompany any report or claim submitted to the Commission, unless it is necessary to convey information not furnished in the formal report or claim itself.

No forms should be used by official superiors in reporting injuries or deaths, or by claimants in making claims for compensation, except those issued by the Commission. Forms used in the administration of previous compensation laws by the Department of Commerce and Labor, Department of Labor, or Post Office Department, should not, under any circumstances, be used.

Attention is called to the four rules of the Commission, printed on pages 45 and 46 of these regulations. When an injury occurs to which any one of these rules is applicable, care should be taken that all the information is given on form C. A. 2 necessary to enable the Commission to determine whether, under the circumstances in the particular case, compensation is payable under the rule in question.

34. Partial disability—Injured employee should be given or secured work when able, if practicable.—When total disability to perform work ceases and the employee is able to perform a part of his usual duties or to perform work of a different nature, he should be assigned such work, if practicable. If such work is not available, the injured employee should be instructed to seek suitable work until such time as he may be able to resume his former duties. He should be in-

formed of his rights and duties in case of partial disability, as explained in full in sections 17, 18, and 19 of the regulations concerning "Duties of Employees."

35. Injured employee's ability to resume work—Examination in case of disagreements.—If there is disagreement between the injured employee and his official superior or the official medical officer, or if there is doubt as to the employee's ability to resume the work of his occupation or some other work of which he is capable, a medical examination should at once be ordered by the official superior, as provided in section 35 of the medical regulations.

36. Report of termination of disability.—Whenever an injured employee is able to return to work after his period of total or partial disability has ended, his official superior should immediately report the termination of such disability to the Commission on form C. A. 3.

In cases where an employee resumes work on Monday and is paid for the preceding Sunday, a statement to that effect should be made under "Remarks." If payment during disability has been made for any other reason, the dates on which such payments were made and the reasons for making them should likewise be shown.

37. Permanent partial disability—The injured employee to be informed of his rights.—When any employee has sustained a permanent partial disability, but has resumed work at the same rate of pay as before injury, the superior officer should inform him that, under the provisions of the Compensation Act, the right to claim compensation still belongs to him whenever the disability shall result in any loss of earnings. If the existing employment should be terminated and the injured employee should be employed at a lower rate of pay elsewhere, he would be entitled to claim compensation amounting to two-thirds of the difference in wages.

38. Report of death.—If an injury results in death before the report of injury on form C. A. 2 has been submitted to the Commission, the report of death on form C. A. 3 should accompany the report of injury on form C. A. 2. If death results after the "Report of Injury" has been forwarded to the Commission, a report of death on form C. A. 3 should at once be made and forwarded to the Commission. If the death does not immediately follow the injury, the report of termination of disability on the upper half of form C. A. 3 should be filled out, so far as applicable to the case, in addition to the lower half of the form which constitutes the report of death, with special reference as to the date on which the employee's pay stopped and the period for which his disability compensation may be payable.

39. Claim blanks to be furnished.—Whenever a disability has lasted for more than 3 days, and the injured employee will not use annual or sick leave to cover any portion of the disability for which he may,

be entitled to claim compensation, the official superior should furnish such employee with a blank form on which to make a claim for compensation, and call his attention to the provisions of the Compensation Act, suggesting to him, however, that the claim should not be made until 18 days after his pay has stopped, or, if the disability is of shorter duration, until the disability has terminated.

If an injured employee should become insane or otherwise mentally incapacitated, either temporarily or permanently, before he has submitted a claim for compensation, the official superior should advise the employee's nearest available relative or friend to have some one appointed as the guardian or other legal representative of such employee, in order that a claim for compensation and, in case of continuing disability, request for continuance of compensation payments may be made by the legal representative acting in behalf of the employee.

If the mental incapacity is of such a degree of severity as to require hospital treatment, the official superior should promptly communicate with the Commission, so that arrangements may be made to have the employee admitted for treatment to a designated hospital for the insane.

40. Waiver of claim.—No official superior is authorized to require an injured employee to enter into any agreement either before or after an injury to waive his right to claim compensation, and any such waiver, if secured, will not affect the employee's right later to claim compensation from the Commission. Employees should not be encouraged, either directly or indirectly, to waive such right, but rather should be afforded every proper facility in submitting their claims for any injury sustained while in the performance of duty resulting in a loss of time for which they are entitled to claim compensation, in order that such claims may be passed upon by the Commission according to their merits.

41. Certificates of official superiors.—Before forwarding reports of injuries, reports of death, reports of termination of disability, claims for compensation, requests for continuance of compensation payments, or any other forms requiring the certificate of an official superior, care should be exercised to make certain that all of the questions asked in the certificates are fully answered, and that the certificates are signed.

42. Claims—Officials should see that claim forms are completely and correctly filled out.—Official superiors should make certain that statements of witnesses, if any, are furnished on the second page of the claim for compensation on account of injury, or if there is not sufficient space for the purpose on that page, such statements should be made on separate sheets and attached to the claim.

Before forwarding a claim for compensation, the official superior, before signing his certificate, should examine the claim to see that all of the information called for that can possibly be furnished has been inserted and that it is in agreement with the forms previously submitted, or that any discrepancies, such as, for example, in the date of injury, rate of pay, etc., are explained before the claim is forwarded to the Commission. When this is overlooked, much unnecessary correspondence and delay in the payment of claims is the inevitable result.

43. Claims to be forwarded promptly.—All claims for compensation, when filled out and presented by injured employees to their official superiors, should be forwarded promptly to the Commission. Employees should be encouraged to submit their claims through their official superiors in accordance with section 7 of the regulations concerning the "Duties of Employees."

44. Claims on account of death.—If the death of an employee results from an injury within 6 years, the law provides for the payment of compensation to the beneficiaries enumerated in section 10 of the law.

The claim should be signed by the person making the claim or his duly authorized representative. There should be given on the first page of the claim the names and addresses of all persons who may be entitled to compensation on account of death, together with the address of the person making the statement, which should be sworn to by such person.

Oaths of claimants residing in foreign countries should be made before a United States consular officer or secretary of legation; or, if before a local official, a certificate of such United States consular officer or secretary of legation, showing the authority of the local official to administer oaths, should be annexed.

A certified copy of the death certificate should accompany the claim for compensation, but if, for any reason, it can not be secured, a full explanation should be given at the bottom of the first page of the claim form C. A. 5.

If the relationship to the decedent of any person entitled to claim compensation is that of adoption, a certified copy of the order of adoption should accompany the claim.

Certified copies of the marriage certificate, either civil or church, in the case of a widow or widower, and of the civil birth records of children by or on behalf of whom compensation is claimed should accompany each claim.

The furnishing of these various records at the time the claim is forwarded to the Commission will eliminate unnecessary correspondence and delay, and will expedite the prompt disposition of the claim by the Commission.

Copies of civil records of birth should be furnished wherever possible. If, however, there are no civil records, properly authenticated copies of church records of birth should be submitted with the statement that it is impossible to obtain copies of any civil records.

Each claim for compensation on account of death should be submitted to the Commission through official channels within 60 days after death occurs. If not so submitted, an explanation of the delay must accompany the claim.

A claim on account of death must, in accordance with the absolute requirement of the law, be filed within one year after death, in order to permit the payment of compensation by the Commission.

45. Burial expenses.—Personal representatives of deceased employees will be reimbursed for the burial expenses of such employees in an amount not to exceed $100, in the discretion of the Commission. If an executor of the estate of a deceased employee has been designated, or if an administrator of the estate has been appointed, the name, address, and designation, and a certified copy of the credentials of such person should be furnished the Commission by the beneficiary claiming compensation. If there is neither an executor nor an administrator of the decedent's estate, that fact should be stated by the beneficiary claiming compensation, in order that the Commission may take the necessary steps to ascertain who is the personal representative.

In the event that there is no executor, administrator, or other person who might be entitled to be named as the personal representative of the decedent, payment of the burial expenses may be made by the Commission to the undertaker, provided the latter makes affidavit to the effect that the services stated in the bill rendered have been performed, that the prices charged therefor are reasonable, and that he has not received and will not receive payment of any part of the burial expenses from any source other than the Compensation Commission.

Itemized bills covering burial expenses should be submitted to the Commission with each claim for compensation on account of death, or if that is not possible, then as soon after the claim has been submitted as practicable.

46. Notice of action on claims.—Each injured employee will be notified by the Commission of the action taken upon his claim for compensation, and if an award is made, such notice will accompany the check covering the first payment made to him. A copy of this notice will also be forwarded to his official superior.

Whenever a claim for compensation is disapproved, the Commission will notify the claimant of the fact, together with a brief statement of the reasons therefor, and a copy of this notice also will be forwarded to the official superior.

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47. Notice to employees of their rights and duties.—The Commission has distributed throughout the Federal service copies of placards for posting on bulletin boards and other convenient places, outlining briefly the rights and duties of employees under the Compensation Act. These placards should be kept posted in conspicuous places for the information and guidance of employees. Additional placards may be secured from the Commission upon request.

48. Insane injured employees to be transferred to hospital for insane.—When practicable, insane injured employees entitled to the benefits of the Compensation Act will be transferred either to a designated hospital for the insane or to the Government Hospital for the Insane at Washington, D. C. Requests for such transfer should in each case be made to the Commission.

49. Preparation of reports and claims.—It is suggested that, in order to secure uniformity in the method of preparing forms, such work be delegated to one person in each establishment wherever practicable. This method will insure uniform handling of the forms used in connection with the reporting of injuries and in making claims for compensation, and will enable the person so delegated to thoroughly familiarize himself with the rules and regulations governing the operation of the Compensation Act, and result in the avoidance of errors due to a misunderstanding of the details of some of the forms.

50. Mailing of reports and claims.—Each establishment sending reports of injuries, claims, or other forms to the Commission should, wherever practicable, mail them, without folding, in large envelopes, and they should be sent immediately after the information called for has been inserted in the proper places.

51. Requests for forms.—Supplies of forms to be used in reporting injuries and deaths, and in making claims for compensation therefor, may be obtained direct from the Commission upon request. Post offices other than those of the first class may obtain these supplies direct from the nearest first-class post office, as stated in the notice appearing in the November 5, 1917, issue of the Daily Bulletin of Orders Affecting the Postal Service.

INSTRUCTIONS GOVERNING MEDICAL, SURGICAL, AND HOSPITAL SERVICES.

52. Medical and hospital service to which injured employee is entitled.—When civil employees of the United States are injured while in the performance of their duties, they are (by the terms of sec. 9 of the Federal Compensation Act of Sept. 7, 1916) entitled to "reasonable medical, surgical, and hospital services and supplies" for the injury, whether or not disability has arisen.

53. Medical and hospital service available.—A list of all available United States dispensaries and hospitals will be furnished by the Commission to medical officers and the heads of establishments upon request.

A list of available United States medical officers, dispensaries, and hospitals, and private physicians, dispensaries, and hospitals designated and approved by the Commission will be published and distributed from time to time.

Civilians employed by the United States in the vicinity of a permanent or fixed Army hospital, who sustain personal injuries while in the performance of duty, will be admitted thereto, when beds are available, upon the written request of the officers under whom they are employed. Such request will be addressed to the officer in charge of the hospital and will recite the facts of employment and of personal injury while in the performance of duty. Injured civilian employees thus admitted to hospital will be furnished medical and surgical care therein for a reasonable time: *Provided*, That this authority is not applicable to cases to which other United States hospitals are more convenient of access.

54. First-aid treatment by United States medical officers.—The medical officers stationed at navy yards, arsenals, industrial establishments, and other places of employment in the Federal service should cooperate in every way practicable with heads of departments to educate the employees as to the need for proper first aid and encourage them to report at the dispensary or first-aid station for examination and treatment of all injuries, even though they may appear to be trivial or slight. It is essential that adequate first aid should be provided to injured employees immediately after the injury has occurred.

55. First-aid treatment in emergency.—In all cases of injury where the emergency is such as to require it, any physician licensed to practice medicine and surgery under State laws may be called for first-aid treatment, but further treatment, if required, must be obtained from the United States medical officer or hospital or from the "designated" physician or hospital, if available.

56. Bills for emergency first-aid treatment by private physicians.—In rendering a bill for first-aid treatment obtained under emergency, the injured person or his representative should obtain an itemized statement from the physician rendering such aid. The bill should show the nature of the service rendered.

57. Ambulance service.—In cases where the injury is so serious as to require such action, an ambulance (one owned by the United States hospital or the "designated" hospital, if available) should be called and the employee sent to the United States hospital or the "designated" hospital at once. When the United States hospital ambulance or the "designated" hospital ambulance is not available, the Commission will allow a reasonable charge for other ambulance service, but in all such cases the employee should be sent to the United States hospital or "designated" hospital, as the case may be.

58. First-aid dispensary treatment should be by medical officer or trained assistant.—Medical officers in charge of first-aid stations or dispensaries should treat all cases in person or see that they are properly treated by *trained assistants* (junior medical officers, nurses, or *trained* attendants). Prompt and courteous treatment of all employees will encourage them to cooperate in promoting the dispensary service.

59. Records of injuries.—Adequate written records should be kept of all persons applying for treatment who claim an injury, even though the medical officer feels confident that the employee is not entitled to benefits under the Compensation Act. If the case is in doubt and it is not impracticable, the injured employee should be required to return the next working-day for a second examination.

60. Medical treatment without written request.—Medical officers stationed in places of employment should not require that employees present written requests for treatment, and such treatment should be furnished to injured employees who are able to come to the dispensary throughout the period of disability so far as practicable.

61. Requests for medical treatment.—An employee applying for treatment to a United States medical officer, dispensary, or hospital outside of the establishment in which the employee works, or to a "designated" physician, dispensary, or hospital, should present a request for treatment on form C. A. 16, or a letter from his official superior. This request should recite the facts that the bearer—giving

the name—is an employee of the United States, employed at—giving the name of the office or establishment—that he was injured in the performance of duty on—giving the date—and that treatment is requested for the results of said injury under section 9 of the Compensation Act. In case it has been impracticable for the employee to obtain a request for treatment, the medical officer, hospital, or "designated" physician may furnish temporary treatment upon the statement of the injured employee giving the facts, together with the name of the Government establishment in which he is employed. In such instances a proper request for treatment should, however, be obtained within 48 hours thereafter from the employee's official superior.

62. Car fare to secure medical and hospital service.—In order that injured employees may be furnished as complete medical and surgical service as possible, the Commission will pay the necessary car fare of those who are able to return to the dispensary for treatment. The medical officers at dispensaries are requested to inform injured employees in all cases suitable for dispensary treatment what treatment they are prepared to furnish at the dispensary. Where it is practicable, it is requested that car tickets be furnished as required to injured employees for the purpose of securing such treatment, and monthly accounts rendered to the Commission by the officers in charge of dispensaries for reimbursement for the car tickets furnished.

63. Medical treatment will be given at dispensaries and hospitals wherever practicable.—In places where there are United States dispensaries and hospitals available for treatment of injured civil employees and where arrangements have been made with hospitals "designated" by the Commission to furnish out-patient and hospital services, all injured employees will be treated either as out-patients or hospital patients, and no injured employee will be furnished treatment in his home, unless such arrangement is approved by the Commission. The Commission has ruled that where adequate dispensary and hospital service is provided, such provision constitutes "reasonable medical, surgical, and hospital services," in accordance with the terms of the Compensation Act, and payment for treatment in the homes will not be allowed, except as above provided.

64. Dispensary service.—Injured employees entitled to the benefits of the Compensation Act, whose injuries are of such a nature that they can be properly treated in a dispensary, will be furnished proper treatment upon application at the United States dispensary or "designated" dispensary.

65. Hospital service in emergency.—Arrangements should be made by the official superior with the United States hospital or "designated" hospital, or if there is neither, then with the private hospital,

to respond to calls with the ambulance in cases of emergency, and to admit injured employees to hospital without delay, provided the call is received from proper Government officials. In all cases a request on form C. A. 16 or a letter of request (see sec. 61) should accompany the injured employee to hospital or be obtained from the official superior within 48 hours from the time of admission.

The medical officer should be at once notified of any case transferred to hospital, so that he may furnish such treatment as may be required of him under the circumstances.

66. Hospital service—Approval of medical officer.—In places where there is a United States medical officer or "designated" physician and whenever emergency does not require immediate action, the approval of the medical officer or "designated" physician should be obtained before the patient is transferred to hospital.

67. Examinations and records preceding hospital treatment.—In all cases where an employee reports in person or by proxy at the dispensary or hospital, requesting treatment on account of disability alleged to be due to injury, and it is found that his disability requires hospital treatment, a record should be made and kept showing the date, name, color, age, sex, and occupation of the employee, the place of employment, the nature of disability, the date of the injury, and, where a request for treatment is presented, the name of the person signing the request.

68. Requests for medical or hospital service when official superior has doubt as to employee's right to treatment.—If, for any reason, the official superior is in doubt as to whether or not an injured employee is entitled to medical relief under the Compensation Act, he should immediately communicate the circumstances, outlining his doubt, to the Commission, and furnish said injured employee a request, form C. A. 16, or letter, which should state the reasons for his doubts and request the medical officer or "designated" hospital officials to furnish relief until a decision can be reached as to whether or not the case is a proper one for treatment under the Compensation Act. The employee should be kept in hospital under observation and treatment until the official superior of the employee or medical officer or "designated" hospital official is convinced that the employee is not entiled to the benefits of the Compensation Act. In these cases, the Compensation Commission will be responsible for the payment for treatment up to and including the date on which it is decided the employee is not entitled to medical relief under the Compensation Act, but in such cases no surgical operation should be performed, except in case of emergency, in advance of a decision by the Commission.

69. Hospital treatment pending determination of injured employee's right to treatment.—If there is reason to doubt that an employee is

entitled to the benefits of the Compensation Act, he should be admitted to hospital and given proper treatment until the physician in charge of the case definitely determines that he is not entitled to treatment, or that his disability could not have been due to such an injury as alleged. When such conclusion is reached a careful record should be made of the reasons therefor, and an abstract of the record should at once be forwarded to the Compensation Commission, showing the name, age, sex, color, occupation, place of employment, nature of disability, date of alleged injury, dates of examinations, and reasons for opinion that the disability was not due to the alleged injury. The employee should then be discharged from hospital, unless satisfactory arrangements can be made to retain him in the hospital without further charge against the Commission.

70. Explanation of refusal of treatment to be made to employee.—In all cases which are refused treatment or discharged from further treatment under the provisions of the Compensation Act, the medical officer should make a full and friendly explanation to the employee of his reasons for the action taken.

71. Medical or hospital treatment when medical officer has doubt of employee's right to treatment.—Whenever an employee applies for treatment with an order form C. A. 16, or a letter of request therefor from his official superior, the employee should be furnished such treatment as may be required; but if there is reason to believe that he is not entitled to treatment or that his disability was not due to the alleged injury, the medical officer or "designated" hospital official should take up the matter with the official superior. If agreement is reached by both that the employee is not entitled to relief, he should be discharged from hospital, unless satisfactory arrangements can be made to retain him in hospital without further charge against the Commission. Written records should be kept and reports made of all such cases. If agreement is not reached, the record should be made, and a complete report of all the findings should be immediately forwarded to the Commission for decision.

72. Orders for medical treatment in "designated" hospitals.—Hospitals which have been "designated" by the Commission to furnish medical, surgical, and hospital services and supplies to injured civil employees should obtain an order on form C. A. 16, or a letter signed by the proper United States official (head of office or work in which applicant is employed), as authority for admission of each patient. This authority should be presented by the employee at the time of admission or obtained within 48 hours thereafter.

73. Bills of "designated" hospitals.—"Designated" hospitals should render their bills on proper voucher forms at the time of discharge of each patient, or at the end of each month, as they may prefer.

A separate voucher (form D–20) should be made out for each employee treated. When the voucher is properly and completely filled out and signed by the hospital authorities, it should have attached to it the original request for treatment of the employee covered by the voucher (see sec. 74), unless said request has been furnished with a previous voucher. The voucher should then be forwarded to the Commission for settlement. A supply of these vouchers (form D–20) will be furnished by the Commission.

74. Orders for medical treatment in hospitals to be submitted to Compensation Commission with bills.—For cases of injury treated in hospital, the original order, form C. A. 16, or the original letter of request, should be attached to the first voucher rendered in each case by the hospital to the Commission.

75. Clinical records to be kept.—In hospital cases and in prolonged or serious dispensary cases a case history should be kept and forwarded to the Commission after the termination of the case. This history should contain: (*a*) An exact statement of the nature and extent of the disability for which treatment is sought and of any concurrent or complicating diseases, disabilities, or morbid conditions; (*b*) the nature of the injury causing the disability; (*c*) a clinical history showing the nature of the treatment, the progress of the case, and the condition of the patient at the time of discharge, with particular reference to incapacitating effects or results of the injuries still remaining; (*d*) any pertinent facts relating to the patient's family history or previous history which may have a bearing on the disability.

76. Specialists to be employed when necessary.—In those cases requiring the services of a specialist, the local medical officer, or "designated" physician, if there be one—otherwise the hospital authorities—may, when necessary, obtain such services at once in cases of emergency, but, *where time will permit, approval should first be obtained from the Commission* before such specialist services are engaged. The medical officer or hospital authorities should be guided by the exigencies of the case, and bear in mind that the patient should not be compelled to wait for the services of a specialist in any instance where delay would retard or deleteriously influence recovery. When calling in a specialist, he should be informed that his charges for this service should be in accordance with the minimum rates fixed and obtaining in the locality for such specialist service for patients with the average income of Federal employees.

77. Bills for treatment by specialists.—The bills for emergency specialist service should be transmitted through the medical officer, "designated" physician, or hospital authority requesting such service, who should certify that the services were furnished, that they

were believed to be immediately necessary, and that the amount charged is just and reasonable and in accordance with the minimum rates fixed and obtaining in the locality for such specialist service for patients with the average income of Federal employees.

78. Treatment by osteopaths, chiropractors, etc.—Treatment by doctors of osteopathy, chiropractors, mental healers, etc., will not be paid for under the provisions of the Compensation Act, unless such treatment is prescribed by a United States medical officer or some person licensed under the State laws to practice medicine and surgery.

79. Burial expenses.—Personal representatives of deceased employees will be reimbursed for the burial expenses of such employees, in an amount not to exceed $100, in the discretion of the Commission. If an executor of the estate of a deceased employee has been designated, or if an administrator of the estate has been appointed, the name, address and designation, and a certified copy of the credentials of such person should be furnished the Commission by the beneficiary claiming compensation. If there is neither an executor nor an administrator of the decedent's estate, that fact should be stated by the beneficiary claiming compensation, in order that the Commission may take the necessary steps to ascertain who is the personal representative.

In the event that there is no executor, administrator, or other person who might be entitled to be named as the personal representative of the decedent, payment of the burial expenses may be made by the Commission to the undertaker, provided the latter makes affidavit to the effect that the services stated in the bill rendered have been performed, that the prices charged therefor are reasonable, and that he has not received and will not receive payment of any part of the burial expenses from any source other than the Compensation Commission.

Itemized bills covering burial expenses should be submitted to the Commission with each claim for compensation on account of death, or if that is not possible, then as soon after the claim has been submitted as practicable.

80. Medical and hospital service not paid for if employee refuses to accept what is provided.—An injured civil employee may refuse the medical or hospital treatment provided, but when he does so, other medical treatment will not be paid for by the Commission, provided he has received proper notice that the dispensary and hospital treatment were at his service in case of injury, and that other medical service will be at his own expense.

81. Refusal of medical or surgical treatment.—No compensation will be paid on account of the death or disability of an employee, if his

death is caused, or if and in so far as disability is caused, continued, or aggravated by an unreasonable refusal to submit to medical treatment or to any surgical treatment, the risk of which is, in the opinion of the Commission, based upon expert medical or surgical advice, inconsiderable.

82. Refusal to submit to hospital rules.—If an injured employee admitted to a United States or designated hospital for treatment on account of the injury refuses to comply with any reasonable hospital rules or requirements and his offense is of sufficient gravity to cause his dismissal from the hospital, before he is actually dismissed the medical officer in charge of the hospital should telegraph the United States Employees' Compensation Commission, Washington, D. C., in sufficient detail to acquaint the Commission with the circumstances surrounding the proposed discharge of the patient to enable it to take necessary action.

83. Medical supervision of injured employees treated by private physicians.—Whenever an injured civil employee prefers to be treated by his private physician or hospital, the official superior should notify him, in accordance with section 21 of the Compensation Act, to report from time to time to the United States medical officer, or to the "designated" private physician or hospital for examination to determine whether or not his disability continues.

84. Refusal or obstruction of medical examination.—If the injured employee fails to report in accordance with instructions and can give no valid reason for such failure, he may be notified that, in accordance with section 21 of the Compensation Act, he is refusing or obstructing the examination, and that compensation will not be paid during such refusal or obstruction. In case an injured civil employee fails to appear for examination, and reports that he is confined to his home or private hospital on account of his disability, it is suggested that the medical officer, if there be one, visit the home or place where he is confined on account of his disability, for the purpose of determining the nature and character of such disability.

As soon as an injured employee recovers to such extent as to be able to report at the dispensary for examination, he shall do so, and continue to do so as often as directed until he is able to return to duty. Failure to report in accordance with these instructions without valid reason will be considered as refusing to submit to or obstructing an examination, and compensation will not be paid during such time.

85. Statement of medical officer to be made in connection with claim.—When an injured employee is treated for the duration of his disability by the United States medical officer at the establishment, dispensary, or hospital, the United States medical officer should fill out

both the "medical officer's" statement and the statement of the "attending physician" in the claim for compensation, form C. A. 4.

When an injured employee is not treated, other than first aid, by the medical officer, the latter should fill out only the "medical officer's" statement in the claim for compensation, form C. A. 4, and the injured employee's attending physician should fill out the statement of the "attending physician."

86. Medical referee to be employed in case of disagreement.—In cases in which there is a disagreement between the claimant and his attending physician on the one hand, and the medical officer representing the United States on the other hand, as to the cause, nature, character, or extent of the disability in question, the Commission will appoint a third physician to act as medical referee, in accordance with section 22 of the Compensation Act. In all localities where there is an officer of the United States Public Health Service, the Commission has arranged to have said officer act as referee.

87. Medical referee's examination—Official superior and injured employee may be represented by physicians.—When the medical referee examines the injured employee, the later may be accompanied by his own physician who may participate in the examination if he so desires. Likewise, if it is desired by the employee's official superior or the medical officer representing the United States, they, or representatives designated by them, may be present and participate in the examination by the referee.

88. Medical referee's examination must be thoroughly impartial procedure.—Great care should be exercised in all examinations by referees to weigh carefully and with absolute impartiality all evidence submitted by either side to the controversy. The referee must feel free to express his impartial judgment in each case. *It is to be understood that referees are under no circumstances to consider themselves as representing the interests of the United States as against the interest of the injured employee, but are to arrive at a fair and impartial decision in each case.* If in any such case there is doubt in the mind of the referee as to the proper conclusion to be reached, the injured employee should be admitted to the hospital under care of such referee for further observation, examination, and treatment, until such time as a definite decision can be reached. If the services of a specialist are necessary, immediate request should be made to the Commission therefor. In making a request to the medical referee for examination, all of the records in the case should accompany the request, so that the medical referee will have before him at the time of examination all of the evidence of record. When the medical referee completes his examination he should forward the record in the claim, together with his report, made up on form

C. A. 7, to the officer under whom the employee was engaged at the time of injury. In addition to filling out the form, C. A. 7, a careful clinical record of the case should be made up and forwarded at once to the United States Employees' Compensation Commission. This clinical record should include pertinent facts in the family and previous history of the patient, and a detailed history of the existing disability, together with a notation of the findings of a complete physical examination.

89. Disabilities not related to the injury, but prolonging treatment, to be immediately reported to Commission.—Whenever, in any case, an injured employee admitted to hospital is found to have or develops a disease or disability which is not related to the injury, and which is liable to prolong his stay in hospital, the Commission should be notified immediately.

90. Injured employee able to do light or modified work.—Whenever an injured employee becomes physically fit to do light work or some form of work other than his usual work without detriment to himself and without interfering with his recovery from the injury, the medical officer in charge of the case should record the fact in the clinical history and should notify the patient, the employer, and the Employees' Compensation Commission.

91. Hospital treatment in general ward to be furnished.—In hospitals under contract to furnish service to injured employees, general ward service only will be furnished by the Commission, except as provided in section 39.

92. Hospital treatment in private room—Conditions under which furnished.—In cases where the nature of the injury requires care in a private room, such care is authorized until the necessity ceases. The physician in charge of the case must certify as to the period during which care is required in private room.

It is always permissible for a patient to be treated in a private room, provided he will pay the difference in cost between the general ward and the private room, but such arrangement shall in no way bind the Commission to pay a rate above the contract rate.

PROCEDURE WHERE THERE ARE NO UNITED STATES OR "DESIGNATED" PHYSICIANS OR HOSPITALS.

93. Injured employee to select physician in case no United States or "designated" physician or hospital is available.—In places where there is no United States medical officer, hospital, or dispensary, or "designated" physician or hospital, the injured employee should be advised to select, for the treatment of his disability, any reputable physician licensed under State law to practice medicine and surgery. In selecting such physician, the employee should inform him that the United States Employee's Compensation Commission will settle all reasonable charges, but that settlement will be based upon the minimum rate fixed or obtaining in the locality for patients receiving the average income of United States civil employees.

In such cases the injured employee should select the nearest available competent physician. The Commission will bear the expense of the street car fare or other transportation necessary to secure such treatment, as well as other reasonable expenses incurred in connection therewith.

94. Physicians' bills to be forwarded to Commission, and not paid by injured employee.—Injured employees should be advised not to pay physicians, but to forward the physicians' itemized bills to the Compensation Commission, through the official superior. This officer is requested to forward the physicians' bills at once to the Commission, at Washington, D. C., with any comment he may desire to make, accompanied by forms C. A. 1 and 2, unless already submitted. Settlement will then be made with the physicians by the Commission direct.

95. Injured employee to select hospital, if necessary, where no United States or "designated" hospital is available.—In places where there is no United States hospital, or hospital designated by the Commission for the treatment of injured civil employees, and in cases of injury so severe as to require hospital treatment, the injured employee should be advised to go to a well-equipped hospital. The Commission will pay for the hospital service in a general ward. It will, however, be permissible for the injured employee to obtain service in a private room, provided he will himself pay the difference between the private-room rates and the rates fixed for general-ward patients.

If the condition of the patient is so serious as to require care in a private room, such care will be allowed upon the statement of the attending physician as to the necessity therefor, but when the requirement ceases to exist the patient should be transferred to the general ward.

96. Hospital bills to be forwarded to the Commission and not paid by employee.—Injured employees should be advised not to pay hospital bills, but to forward them to the Commission through the official superior. This officer is requested to forward the hospital bills at once direct to the Commission, Washington, D. C., with any comment he may desire to make, accompanied by forms C. A. 1 and 2, unless already submitted. Settlement will then be made with the hospital by the Commission direct.

97. Transportation to be furnished upon authorization of Commission when necessary to secure adequate hospital treatment.—In places where there are no hospitals, whenever in the opinion of the official superior or whenever in the opinion of the attending physician it is necessary to transfer an injured employee to another locality to secure ade-

quate hospital treatment, request should be made at once of the Commission for authority for such transfer, provided the exigencies of the case will permit. This request may be made by telegraph if necessary. If the emergency is such as to require immediate action, the employee should be transferred as soon as practicable and the action reported to the Commission for approval. In all cases where practicable transfer will be made to the most available United States hospital, as shown by the list of hospitals published by the Commission. In case it is not practicable to transfer the patient to a United States hospital, then, if practicable, he will be transferred to the nearest "designated" hospital as shown by the published list. If it is not practicable to transfer the patient to a United States hospital or "designated" hospital, the services of other well-equipped hospitals may be utilized.

Actual and necessary expenses incurred in traveling in both directions between the place of injury or home of patient and the place to which transferred for treatment will be allowed.

98. Medical examination of injured employee to determine whether disability is due to injury.—In places where there are no United States medical officers or "designated" hospitals, in all cases of alleged injury about which there is some doubt from a medical viewpoint as to whether the employee's disability is the result of his alleged injury, the official superior shall select a reputable physician licensed to practice medicine and surgery under the State laws (a specialist if necessary) to examine the said employee to determine whether the disability is due to the alleged injury. Such examination shall be conducted in such a manner and extend over such time as may be deemed necessary to arrive at a diagnosis and conclusion. The employee may have a duly qualified physician, designated and paid for by himself, present and participate in the examination if he so desires. In cases of disagreement a third physician designated by the Commission may be called in to act as referee. If the injured employee refuses to submit to any medical examination or in any way obstructs the same, compensation will be suspended during the continuance of such refusal or obstruction.

99. Insane injured employees to be transferred to hospital for insane.—Insane injured employees entitled to the benefits of the Compensation Act will be transferred either to a designated hospital for the insane or to the Government Hospital for the Insane at Washington, D. C. Requests for such transfer should in each case be made to the Commission.

DUTIES OF BENEFICIARIES OF DECEASED EMPLOYEES.

100. Claims for compensation.—If the death of an employee results from an injury within six years, the law provides for the payment of compensation to the beneficiaries enumerated in section 10 of the law.

The claim should be signed by the person making the claim or his duly authorized representative. There should be given, on the first page of the claim, the names and addresses of all persons who may be entitled to compensation on account of death, together with the address of the person making the statement, which should be sworn to by such person.

Oaths of claimants residing in foreign countries should be made before a United States consular officer or secretary of legation; or, if before a local official, a certificate of such United States consular officer or secretary of legation, showing the authority of the local official to administer oaths, should be annexed.

A certified copy of the death certificate should accompany the claim for compensation, but if, for any reason, it can not be secured, a full explanation should be given at the bottom of the first page of the claim form, C. A. 5.

If the relationship to the decedent of any person entitled to claim compensation is that of adoption, a certified copy of the order of adoption should accompany the claim.

Certified copies of the marriage certificate, either civil or church, in the case of a widow or widower, and of the civil birth records of children by or on behalf of whom compensation is claimed should accompany each claim.

The furnishing of these various records at the time the claim is forwarded to the Commission will eliminate unnecessary correspondence and delay, and will expedite the prompt disposition of the claim by the Commission.

Copies of civil records of birth should be furnished wherever possible. If, however, there are no civil records, properly authenticated copies of church records of birth should be submitted, with the statement that it is impossible to obtain copies of any civil records.

Each claim for compensation on account of death should be submitted to the Commission through official channels within 60 days after death occurs. If not so submitted, an explanation of the delay must accompany the claim.

A claim on account of death must, in accordance with the absolute requirement of the law, be filed within one year after death, in order to permit the payment of compensation by the Commission.

101. Penalty for false statement in claim.—Any false statement knowingly made by a claimant in a claim for compensation constitutes perjury, and renders the guilty person liable to a fine of not more than $2,000 or imprisonment for not more than one year, or both such fine and imprisonment.

102. Lump-sum awards.—The Commission is permitted under the law to make lump-sum awards to beneficiaries entitled to compensation under the act, but it is not the policy of the Commission to make such lump-sum payments, unless it can be conclusively shown that such action is for the best interests of the beneficiaries.

103. Burial expenses.—Personal representatives of deceased employees will be reimbursed for the burial expenses of such employees, in an amount not to exceed $100, in the discretion of the Commission. If an executor of the estate of a deceased employee has been designated, or if an administrator of the estate has been appointed, the name, address and designation, and a certified copy of the credentials of such person should be furnished the Commission by the beneficiary claiming compensation. If there is neither an executor nor an administrator of the decedent's estate, that fact should be stated by the beneficiary claiming compensation, in order that the Commission may take the necessary steps to ascertain who is the personal representative.

In the event that there is no executor, administrator, or other person who might be entitled to be named as the personal representative of the decedent, payment of the burial expenses may be made by the Commission to the undertaker, provided the latter makes affidavit to the effect that the services stated in the bill rendered have been performed, that the prices charged therefor are reasonable, and that he has not received and will not receive payment of any part of the burial expenses from any source other than the Compensation Commission.

Itemized bills covering burial expenses should be submitted to the Commission with each claim for compensation on account of death, or if that is not possible, then as soon after the claim has been submitted as practicable.

104. Embalming and transportation of bodies of deceased employees.—In the case of an employee whose home is within the United States, if the death occurs away from his home station or outside the United States, and if so desired by his relatives, the body may be embalmed and transported in a hermetically sealed casket to the home of the employee. Expenses for embalming and transportation, as above outlined, can not be allowed by the Commission, however, where the death takes place more than one year after the cessation of disability resulting from injury, or, if there has been no disability preceding the death, more than one year after the injury.

105. Claims for continuance of compensation.—Claims for continuance of compensation on account of death shall, on the 1st and 16th of each month, or as soon thereafter as practicable, be mailed, on the following forms, direct to the Commission by the classes of beneficiaries specified:

Widow or widower	form C. A. 12
Guardian of minor children	form C. A. 13
Dependent parent or grandparent	form C. A. 14
Dependent brother, sister, or grandchild	form C. A. 15

Each question on the form requesting a continuance of compensation should be carefully and fully answered, and the request then certified to by a United States official. Where it is practicable and convenient, this certificate should be executed by the official superior of the deceased employee, or by the postmaster or some authorized representative of the latter, such as the superintendent of a substation in the city or town in which the claimant resides. The Commission has provided this means of certification to obviate the expense which would be involved if a claimant were required to have a notary public execute such a certificate twice a month.

These forms serve as the basis for the compensation payments for the periods which they cover, and should be submitted promptly on the dates named in order to avoid delay in payment. Failure to furnish these semimonthly certificates will be regarded by the Commission as evidence that the beneficiary is no longer entitled to compensation, and will result in a stoppage of compensation payments. Claims subsequently received for continuance of compensation will, however, be considered by the Commission if they are accompanied by explanation of the delay in their submission.

106. Termination of right to compensation.—Beneficiaries receiving compensation on account of the death of an employee, or some one on their behalf, shall, on such beneficiaries becoming disqualified to receive further compensation, immediately notify the Commission.

The following persons receiving compensation on account of the death of an employee become disqualified under the conditions cited:

A widow when she dies or remarries.

A widower when he dies or remarries.

A child when he or she dies, marries, or reaches the age of 18, or, if over 18 and incapable of self-support, becomes capable of self-support.

A brother, sister, or grandchild at the expiration of eight years, or when he or she dies, marries, ceases to be dependent, or reaches the age of 18, or, if over 18 and incapable of self-support, becomes capable of self-support.

Parents or grandparents at the expiration of eight years, or when they die, marry, or cease to be dependent.

107. Penalty for accepting compensation after marriage.—Any beneficiary who accepts any payments of compensation after marriage, if by the terms of the Compensation Act the compensation ceases upon marriage, becomes liable to punishment by a fine of not more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

108. Change in the compensation payable to beneficiaries.—Beneficiaries should notify the Commission whenever an event occurs which necessitates a change in the proportionate amount to one or more of a group of beneficiaries through the death, marriage, cessation of dependency, arrival at the age of 18, or ability for self-support of one or more of their number, or through the birth of a posthumous child.

109. Claims for damages against third parties liable on account of death of employees.—Whenever an employee sustains a personal injury resulting in his death while in the performance of his duties for the United States, under such circumstances as to create a liability on some one other than the United States to pay damages on account of such death, the beneficiaries of the deceased employee shall, if required by the Commission, assign to the United States, on a form which will be provided by the Commission in each case, any right of action on account of such liability they may have against the person responsible. They shall, if required by the Commission, prosecute or compromise said action in their own names. Refusal to make such assignment or to prosecute or compromise an action in their own names when required shall deprive them of all rights to compensation.

When the amount of the compensation and other benefits payable to beneficiaries under the compensation Act exceeds the net amount received in settlement (the total sum less attorney's fee and costs of suit), they shall be entitled to receive the excess from the funds of the Compensation Commission. In case the net amount received by the beneficiaries in settlement is in excess of the compensation and other benefits payable under the Compensation Act, they shall be entitled to retain all of such amount, unless they have already received benefits from the funds of the Compensation Commission, in which case the amount of such benefits shall be returned to the Commission.

Beneficiaries receiving any money or other property in satisfaction of the liability of persons other than the United States responsible for the death of an employee as a result of a suit brought by the beneficiaries, or as a result of a settlement made by them, shall report to the Commission, as soon as such money or other property has been received, the amount of money or the value of the property so received, together with a statement showing the costs of the suit, if any, and the amount of the attorney's fees. The Commission,

after determining what is a reasonable attorney's fee in each case, will then inform the beneficiary of the amount, if any, he is to refund to the United States on account of compensation which has already been paid him by the United States, and the Commission will credit any surplus upon future payments of compensation payable to him.

110. Payments by mistake.—Beneficiaries paid compensation by the Commission under a mistake of law or of fact shall, as soon as the mistake is discovered, or their attention is called to the same, refund to the Commission any amount so paid. Failure to make such refund will result in prosecution by the Commission.

RULINGS OF THE COMPENSATION COMMISSION.

In order to insure uniform and consistent action upon cases involving the same general principles or facts, the Commission has adopted the following four rules, which are intended to serve as a guide, without being inflexibly binding, in each class of cases to which the rules, respectively, refer.

When reports are submitted covering any of these classes of cases full information should be furnished to enable the Commission to determine whether, under the particular rule applicable, compensation is payable.

DEFINITION OF THE TERM "WHILE IN THE PERFORMANCE OF HIS DUTY."

The Commission decides that a personal injury sustained by a civil employee of the United States while on the industrial premises of a navy yard, arsenal, or other place of employment, provided such employee is on such premises for the purpose of going to or returning from his work or performing duties connected with or incidental to his work, and is not on such premises merely for purposes of his own, shall be an injury sustained "while in the performance of his duty" within the meaning of that phrase as used in section 1 of the Compensation Act of September 7, 1916. This ruling is based upon the responsibility of the United States, as the employer, for the safe and sanitary condition of its premises.

Adopted, October 10, 1917.

RULES AS TO COMPENSATION IN CASES OF HERNIA.

[The following rules are intended to serve as a guide and can not be considered as binding in all hernia cases.]

1. Predisposition to hernia shall be regarded as immaterial.

2. Any new hernia, whether complete or incomplete, resulting from an injury, if causing incapacity for work, is compensable, or if not causing incapacity for work, shall entitle the injured employee to operation and compensation during the resulting incapacity, but the evidence must show with reasonable clearness that:

(*a*) The alleged hernia was immediately preceded by some sudden effort, severe strain, or the application of external force.

(*b*) The injury was accompanied or immediately followed by pain and discomfort.

(*c*) The claimant had no knowledge of the existence of the hernia prior to the alleged injury.

3. Any existing hernia which has not incapacitated for work, if materially aggravated as result of an injury, is compensable if causing incapacity for work, or if not causing incapacity for work, shall entitle the injured employee

to operation and compensation during the resulting incapacity, but the evidence must show with reasonable clearness that:

(*a*) The alleged hernia was immediately preceded by some sudden effort, severe strain, or the application of external force.

(*b*) The injury was accompanied or immediately followed by pain and discomfort.

(*c*) There was a material aggravation of the condition of the hernia existing prior to the alleged injury.

4. In all cases of hernia which the Commission shall find remediable by operation, the claimant shall be awarded such operation as a proper and necessary part of medical, surgical, and hospital treatment. If he refuses either to accept or to secure operative treatment, he shall be denied further compensation and treatment, unless there are particular circumstances warranting the waiving of this rule.

Adopted, February 7, 1918.

RULES AS TO COMPENSATION IN CASES OF AGGRAVATION OF PREEXISTING PHYSICAL DEFECTS.

[The following rules are intended to serve as a guide and can not be considered as binding in all cases of preexisting physical defects.]

A disability for work resulting from the material aggravation of a previously existing defective physical condition is compensable when the aggravation is clearly due to a personal injury sustained while in the performance of the claimant's duty. However, compensation shall be paid only for the period of disability due to the injury.

If the results of the injury do not cause disability for work, but require medical, surgical, or hospital services or supplies not previously required, the injured employee shall be entitled to reasonable medical, surgical, or hospital services or supplies made necessary as a result of the injury. He shall also be entitled to compensation during any period of disability resulting from such medical or surgical treatment.

But, in any case, the evidence must show with reasonable clearness that the alleged aggravation was the direct result of a definite injury sustained while in the performance of duty, and that it was not merely the acceleration or culmination of a preexisting progressive physical defect which was accelerated or aggravated to only a slight degree by the injury.

Adopted, February 12, 1918.

RULES AS TO COMPENSATION FOR INJURIES DUE TO SUNSTROKE, HEAT PROSTRATION, FROSTBITE, AND LIGHTNING.

[The following rules are intended to serve as a guide and can not be considered as binding in all cases.]

Injuries due to sunstroke, heat prostration, frostbite, lightning, etc., are not compensable when they are due to conditions of employment involving hazards no different and no greater than those to which the public in general, in the same place, are exposed. In order to call for an award for compensation it must be shown with reasonable clearness that:

1. At the time of the alleged injury the employee was exposed to conditions of special hazard.

2. These hazards were different or greater than those to which people generally in the same locality were exposed.

Adopted, February 16, 1918.

FORMS USED IN REPORTING INJURIES AND MAKING CLAIMS UNDER THE COMPENSATION ACT.

C. A. 1—Notice of injury.

This form is to be submitted to the official superior by every employee injured in the performance of his duty, or some one on his behalf, within 48 hours after the injury. This notice shall be given by delivering it personally to the official superior or by depositing it in the mail, properly stamped and addressed to the official superior. If for any reason the form is not submitted within 48 hours by the injured employee, it should be forwarded to the official superior within as short a time as possible after the period mentioned, together with an explanation of the delay. It is not intended that this form shall be forwarded to the Commission until it can be accompanied by the Report of Injury, C. A. 2.

C. A. 2—Report of injury.

The Report of Injury is to be submitted to the Compensation Commission at Washington through official channels as soon as practicable after any injury to a civil employee of the United States sustained while in the performance of his duty which results in any loss of time beyond the remainder of the day or shift in which the injury occurred or in the incurring of any expense for medical treatment which will be a charge against the Commission. It should be accompanied by the Notice of Injury, C. A. 1.

C. A. 3—Report of termination of total or partial disability and report of death.

If disability does not terminate fatally, the first half only of this form is to be filled out, and the form then forwarded to the Commission at Washington as soon as disability from injury terminates. This form is to be submitted for each injury resulting in disability for more than three days. In the event that disability continues for less than three days, the information that disability has terminated, together with the date, can be given in response to question No. 40 on form C. A. 2.

In the event that death results from the injury, the lower half of the form should be filled out in addition to the information called for on the upper half. If death results immediately, or if no report of injury has previously been submitted, such report, on form C. A. 2, should be forwarded with the Report of Death on form C. A. 3.

C. A. 4—Claim for compensation on account of injury.

This form is to be filed with the official superior by the injured employee or some one on his behalf within 60 days after the injury causing disability for more than three days for transmission to the Commission at Washington. In cases where the disability is likely to continue for 18 days or longer, the claim for compensation should be submitted at the expiration of 18 days without pay. If, however, disability continues for less than 18 days, the claim should be submitted promptly at the expiration of disability.

The first page of the form is to be subscribed and sworn to by the injured employee or some one acting on his behalf before an officer authorized to administer oaths.

On the second page should appear the detailed statements of witnesses of the injury, together with the statement of the establishment medical officer, if there is one at the establishment where the injury occurred.

On the third page the attending physician should make his certificate, and on the fourth page the certificate of the official superior should be filled out and signed by the latter.

C. A. 5—Claim for compensation on account of death.

This form is to be submitted to the Commission at Washington through official channels within one month after death occurred. If not so submitted, an explanation of the delay must accompany the claim.

The instructions printed at the top of the first page of this form should be strictly followed, and the certificate made under oath before an officer authorized to administer this should be filled out by a person qualified to furnish accurate information in response to the questions therein outlined.

On the second page of the claim the surviving widow or widower, if any, should make his or her affidavit in support of a claim for compensation. If there is no surviving widow or widower, but there are children living under 18 years of age, the guardian of such children should fill out the first and second pages of the form, omitting only the information called for by questions 2, 3, and 4 on the second page.

On the third page should be made the affidavit of any dependents entitled to claim compensation other than the widow or widower and children under 18 years of age. The affidavit of any dependent should be executed before an officer authorized to administer oaths.

On the fourth page should be furnished the physician's certificate, together with the certificate of the decedent's official superior.

If, at the time the claim for compensation on account of death is made, no reports of injury and death on forms C. A. 2 and 3 have been forwarded to the Commission, such reports should be made by the official superior and accompany the claim for compensation.

C. A. 6—Claim for payment for medical or hospital services.

In cases where no claim for compensation on account of disability is made, but expenses for medical or hospital services or supplies have been incurred, the injured employee may make a claim on account of such services and supplies on this form. He should answer the questions on the first page of the form and certify to their correctness before an officer authorized to administer oaths.

On the second page should appear the statements of witnesses of the injury, if any, together with the certificate of the medical officer, if there was one at the establishment where the injury occurred.

On the third page should appear the certificate of the attending physician, and on the fourth page the certificate of the official superior of the injured employee.

C. A. 7—Referee physician's report on condition of injured employee.

This form should be filled in as complete detail as possible by the referee physician and by him mailed direct to the Commission at Washington immediately after the examination. A duplicate copy should also be sent to the employee's official superior.

C. A. 8—Claim for continuance of compensation on account of total disability.

The various certificates called for should be filled out by the injured employee, the medical officer, if any, at the establishment where the injury occurred, the attending physician, and the employee's official superior. The form should be forwarded by the latter to the Commission at Washington on the 1st and 16th of each month, or as soon after each of those dates as possible, so that payment to employees may be made in each case for a period of one-half month.

C. A. 9.

This number has not yet been assigned to a form.

C. A. 10—Record card.

(Used for statistical purposes by the Commission.)

C. A. 11—Record card.

(Used for statistical purposes by the Commission.)

C. A. 12—Claim of widow or widower for continuance of compensation on account of death.

Form C. A. 12 should be properly filled out by a widow or widower claiming continuance of compensation, and the period for which such compensation is claimed should be accurately stated, as provided in the form.

This form and the three following, C. A. 13, 14, and 15, are to be mailed direct by the person requesting continuance of compensation to the Commission at Washington in the franked envelopes provided for the purpose, requiring no postage, on the 1st and 16th of each month, or as soon after those dates as possible.

This form, as well as C. A. 13, 14, and 15, may be certified to by any United States administrative officer, preferably the official superior of the deceased employee or some other official of the establishment in which he was employed at the time of his death, or, if that is not convenient or practicable, the certificate of the postmaster or some other local postal official of the place of residence of the person requesting compensation, will be satisfactory.

C. A. 13—Claim of guardian of minor children for continuance of compensation on account of death.

The guardian should answer specifically and clearly each of the questions asked on this form, and should be careful to write legibly and clearly the name of each child on behalf of whom compensation is claimed, together with the relationship of such child to the deceased employee.

For further directions, see instructions given under C. A. 12.

C. A. 14—Claim of dependent parents or grandparents for continuance of compensation on account of death.

This form may be used jointly by the parent or parents, or grandparent or grandparents of deceased employee. If it is used by more than one such parent, the relationship to the decedent should be clearly stated in the space provided therefor.

For further directions, see instructions given under C. A. 12.

C. A. 15—Claim of dependent brothers, sisters, or grandchildren for continuance of compensation on account of death.

This form may be used singly or jointly by one or more members of the classes of beneficiaries named in the title of the form, but in each case particular care should be exercised to state in the space, provided for the purpose, the relationship of the claimant to the deceased employee in addition to furnishing all of the other information requested.

For further directions, see the instructions given under C. A. 12.

C. A. 16—Request for treatment of injury.

This form should be used as the authorization for treatment when it is necessary to send an injured employee to a United States medical officer, dispensary, or hospital outside of the establishment in which he works, or to a designated physician, dispensary, or hospital.

C. A. 17—Request for treatment of injury when cause of injury is in doubt.

This form should be used as the authorization for treatment when it is necessary to send an injured employee to a medical officer, dispensary, or hospital outside of the establishment in which he works, or to a designated physician, dispensary, or hospital, and there is doubt as to the injured employee's right to treatment under the Compensation Act. Full explanation as to procedure is given under sections 68 and 69.

TEXT OF THE COMPENSATION ACT.

[PUBLIC—No. 267—SIXTY-FOURTH CONGRESS.]

[H. R. 15316.]

AN ACT To provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death. Compensation payable, when.

SEC. 2. That during the first three days of disability the employee shall not be entitled to compensation except as provided in section nine. No compensation shall at any time be paid for such period. Waiting time.

SEC. 3. That if the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of his monthly pay, except as hereinafter provided. Compensation for total disability.

SEC. 4. That if the disability is partial the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him. Partial disability. Statements as to earnings.

SEC. 5. That if a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for him, he shall not be entitled to any compensation. Refusing work.

SEC. 6. That the monthly compensation for total disability shall not be more than $66.67 nor less than $33.33, unless the employee's monthly pay is less than $33.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than $66.67. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective, the commission shall, on any review after the Maximum and minimum payments. Learners.

time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity.

Aged employees.

Other payments.

SEC. 7. That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States.

Annual and sick leave.

SEC. 8. That if at the time the disability begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall begin on the fourth day of disability after the annual or sick leave has ceased.

Medical, etc., services.

SEC. 9. That immediately after an injury sustained by an employee while in the performance of his duty, whether or not disability has arisen, and for a reasonable time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund.

Compensation for death.

SEC. 10. That if death results from the injury within six years the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury:

Widow.

(A) To the widow, if there is no child, thirty-five per centum. This compensation shall be paid until her death or marriage.

Widower.

(B) To the widower, if there is no child, thirty-five per centum if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage.

Children.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto ten per centum for each child, not to exceed a total of sixty-six and two-thirds per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to such guardian. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen, and incapable of self-support, becomes capable of self-support.

Orphan children.

(D) To the children, if there is no widow or widower, twenty-five per centum for one child and ten per centum additional for each additional child, not to exceed a total of sixty-six and two-thirds per centum, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

Parents.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per centum; if both are wholly dependent, twenty per centum to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per centum.

Other dependents.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per centum to such dependent; if more than one are wholly dependent, thirty per centum, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per centum divided among such dependents share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of sixty-six and two-thirds per centum.

Term of payments.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

Definitions.

(H) As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that age and incapable of self-support. The term "parent" includes step-parents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent

for support upon her at the time of her death. The terms "adopted" and "adoption" as used in this clause include only legal adoption prior to the time of the injury.

Readjustments. (I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

Apportionments. (J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

Wage basis. (K) In computing compensation under this section, the monthly pay shall be considered not to be more than $100 nor less than $50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section twelve.

Accepting payments after marriage. (L) If any person entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage he shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Burial, etc., expenses. SEC. 11. That if death results from the injury within six years the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed $100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury.

Computation of pay. SEC. 12. That in computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account.

Housing, board, etc. SEC. 13. That in the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account.

Lump-sum settlements. SEC. 14. That in cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than $5 a month, or if the beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed sixty months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

Notice of injury. SEC. 15. That every employee injured in the performance of his duty, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail.

SEC. 16. That the notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice.

Compensation withheld, when. SEC. 17. That unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury.

Claims. SEC. 18. That no compensation under this Act shall be allowed to any person, except as provided in section thirty-eight, unless he or some one on his behalf shall, within the time specified in section twenty, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate.

Forms. SEC. 19. That every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section.

Time for claims. SEC. 20. That all original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year.

Medical examinations. SEC. 21. That after the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and

loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this Act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

Medical referee.

SEC. 22. That in case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the commission shall appoint a third physician, duly qualified, who shall make an examination.

Fees.

SEC. 23. That fees for examinations made on the part of the United States under sections twenty-one and twenty-two by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section twenty-one, shall be paid out of the appropriation for the work of the commission.

Reports of injuries.

SEC. 24. That immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require.

Assignments, etc.

SEC. 25. That any assignment of a claim for compensation under this Act shall be void and all compensation and claims therefor shall be exempt from all claims of creditors.

Assignments of damage claims against third parties.

SEC. 26. If an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the commission may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the commission may require said beneficiary to prosecute said action in his own name.

If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the commission, he shall not be entitled to any compensation under this Act.

The cause of action when assigned to the United States may be prosecuted or compromised by the commission, and if the commission realizes upon such cause of action, it shall apply the money or other property so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, which sum shall be placed to the credit of the employees' compensation fund, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury.

Settlements with third parties.

SEC. 27. That if an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting

the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him on account of the same injury. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury.

Commission created.

SEC. 28. That a commission is hereby created, to be known as the United States Employees' Compensation Commission, and to be composed of three commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. No more than two of said commissioners shall be members of the same political party. One of said commissioners shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and at the expiration of each of said terms, the commissioner then appointed shall be appointed for a period of six years. Each commissioner shall receive a salary of $4,000 a year. The principal office of said commission shall be in Washington, District of Columbia, but the said commission is authorized to perform its work at any place deemed necessary by said commission, subject to the restrictions and limitations of this Act.

Transfer of claims and employees.

SEC. 28a. Upon the organization of said commission and notification to the heads of all executive departments that the commission is ready to take up the work devolved upon it by this Act, all commissions and independent bureaus, by or in which payments for compensation are now provided, together with the adjustment and settlement of such claims, shall cease and determine, and such executive departments, commissions, and independent bureaus shall transfer all pending claims to said commission to be administered by it. The said commission may obtain, in all cases, in addition to the reports provided in section twenty-four, such information and such reports from employees of the departments as may be agreed upon by the commission and the heads of the respective departments. All clerks and employees now exclusively engaged in carrying on said work in the various executive departments, commissions, and independent bureaus, shall be transferred to, and become employees of, the commission at their present grades and salaries.

Powers as to witnesses.

SEC. 29. That the commission, or any commissioner by authority of the commission, shall have power to issue subpœnas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses, upon any matter within the jurisdiction of the commission.

Employees of commission.

SEC. 30. That the commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed from lists of eligibles to be supplied by the Civil Service Commission, and in accordance with the civil-service law.

Estimates.

SEC. 31. That the commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the commission.

Rules, regulations, etc.

SEC. 32. That the commission is authorized to make necessary rules and regulations for the enforcement of this Act, and shall decide all questions arising under this Act.

Annual reports.

SEC. 33. That the commission shall make to Congress at the beginning of each regular session a report of its work for the preceding fiscal year, including a detailed statement of appropriations and expenditures, a detailed statement showing receipts of and expenditures from the employees' compensation fund, and its recommendations for legislation.

Expenses.

SEC. 34. That for the fiscal year ending June thirtieth, nineteen hundred and seventeen, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $50,000 for the work of the commission, including salaries of the commissioners and of such assistants, clerks, and other employees as the commission may deem necessary, and for traveling expenses, expenses of medical examinations under sections twenty-one and twenty-two, reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, rent and equipment of offices, purchase of books, stationery, and other supplies, printing and binding to be done at the Government Printing Office, and other necessary expenses.

Compensation fund.

SEC. 35. That there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby authorized to be permanently appropriated for the payment of the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section nine, and the transportation and burial expenses provided by sections nine and eleven. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund.

Findings and awards.

SEC. 36. The commission, upon consideration of the claim presented by the beneficiary, and the report furnished by the immediate superior and the completion of such investigation as it may deem necessary, shall determine and make a finding of facts thereon and make an award for or against payment of the compensation provided for in this Act. Compensation when awarded shall be paid from the employees' compensation fund.

Review.

SEC. 37. That if the original claim for compensation has been made within the time specified in section twenty, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation.

Mistakes.

SEC. 38. That if any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund.

False statements.

SEC. 39. That whoever makes, in any affidavit required under section four or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 40. That wherever used in this Act—

Definitions.

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civil employees of the United States and of the Panama Railroad Company.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section twenty-eight.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury.

Repeal.

SEC. 41. That all Acts or parts of Acts inconsistent with this Act are hereby repealed: *Provided, however,* That for injuries occurring prior to the passage of this Act compensation shall be paid under the law in force at the time of the passage of this Act: *And provided further,* That if an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability in the Panama Railroad Company to pay damages therefor under the laws of any State, Territory, or possession of the United States or of the District of Columbia or of any foreign country, no compensation shall be payable until the person entitled to compensation releases to the Panama Railroad Company any right of action which he may have to enforce such liability of the Panama Railroad Company, or until he assigns to the United States any right which he may have to share in any money or other property received in satisfaction of such liability of the Panama Railroad Company.

Liability of Panama Railroad Co.

Administration for Canal Zone and Alaskan Railways.

SEC. 42. That the President may, from time to time, transfer the administration of this Act so far as employees of the Panama Canal and of the Panama Railroad Company are concerned to the governor of the Panama Canal, and so far as employees of the Alaskan Engineering Commission are concerned to the chairman of that commission, in which cases the words "commission" and "its" wherever they appear in this Act shall, so far as necessary to give effect to such transfer, be read "governor of the Panama Canal" or "chairman of the Alaskan Engineering Commission," as the case may be, and "his"; and the expenses of medical examinations under sections twenty-one and twenty-two, and the reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, shall be paid out of appropriations for the Panama Canal or for the Alaskan Engineering Commission or out of funds of the Panama Railroad, as the case may be, instead of out of appropriation for the work of the commission.

In the case of compensation to employees of the Panama Canal or of the Panama Railroad Company for temporary disability, either total or partial, the President may authorize the governor of the Panama Canal to waive, at his discretion, the making of the claim required by section eighteen. In the case of alien employees of the

Panama Canal or of the Panama Railroad Company, or of any class or classes of them, the President may remove or modify the minimum limit established by section six on the monthly compensation for disability and the minimum limit established by clause (K) of section ten on the monthly pay on which death compensation is to be computed. The President may authorize the governor of the Panama Canal and the Chairman of the Alaskan Engineering Commission to pay the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section nine and the transportation and burial expenses provided by sections nine and elven, out of the appropriations for the Panama Canal and for the Alaskan Engineering Commission, such appropriations to be reimbursed for such payments by the transfer of funds from the employees' compensation fund.

Approved, September 7, 1916.

Under the authorization given in section 42 of the Compensation Act, President Wilson in September, 1916, issued the following Executive orders:

EXECUTIVE ORDERS.

No. 2455. Employees of the Panama Canal and Panama Railroad Co.

By virtue of the authority vested in me by section 42 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, it is hereby ordered:

Transfer of powers.

1. That the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, so far as employees of the Panama Canal and of the Panama Railroad Co. are concerned, is hereby transferred to the governor of the Panama Canal.

Power to waive claims.

2. That in the case of compensation to employees of the Panama Canal, or of the Panama Railroad Co., for temporary disability, either total or partial, the governor of the Panama Canal is hereby authorized to waive, at his discretion, the making of the claim required by section eighteen of said act.

Alien employees.

3. That in the case of alien employees of the Panama Canal, or of the Panama Railroad Co., the minimum limit established by section six on the monthly compensation for disability, and the minimum limit established by clause (K) of section ten on the monthly pay on which death compensation is to be computed, is hereby removed.

Benefits.

4. That the governor of the Panama Canal is hereby authorized to pay the compensation provided by said act, including the medical, surgical, and hospital services and supplies provided by section nine and the transportation and burial expenses provided by sections nine and eleven, out of the appropriations for the Panama Canal, such appropriations to be reimbursed for such payments by transfer of funds from the employees' compensation fund.

SEPTEMBER 15, 1916.

No. 2463. Employees of the Alaskan Engineering Commission.

Upon the recommendations of the Secretary of the Interior and the chairman of the Alaskan Engineering Commission, and by virtue of authority contained in section forty-two of "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes" (Public, No. 267, 64th Cong., 39 Stat., p. 742), approved September 7, 1916, I hereby direct the chairman of the Alaskan Engineering Commission to administer the provisions of this act in so far as employees of the Alaskan Engineering Commission are concerned; and the expenses of medical examinations under sections twenty-one and twenty-two, and the reasonable traveling and other expenses and loss of wages payable to employees under section twenty-one, shall be paid out of appropriations for "Construction and operation of railroads in Alaska."

Transfer of powers.

Expenses.

I further direct the chairman of the Alaskan Engineering Commission to pay the compensation provided by the aforementioned act, including the medical, surgical, and hospital services and supplies provided by section nine and the transportation and burial expenses provided by sections nine and eleven out of appropriations for the "Construction and operation of railroads in Alaska," such appropriations to be reimbursed for such payments by transfer of funds from the employees' compensation fund.

Benefits.

SEPTEMBER 29, 1916.

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